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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,426

08/20/2003

Ernest Oxenknecht

60680-1638

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7590

10/06/2005

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EXAMINER

SICONOLFI, ROBERT

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*Office Action Summary*

Application No.

10/644,426

Applicant(s)

OXENKNECHT ET AL.

Examiner

Robert A. Siconolfi

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Ch*

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-7, 11, 14-18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson et al in view of Peterson.

Stephenson et al discloses:

See figure 3 upper base attached to nut 19, lower base 31, first isolation layer 16, second isolation layer 17, isolator attached to first layer 16, annular gap receives tubular portion of mounting surface 14

Stephenson et al does not disclose a first and second tubular member construction. Peterson teaches a first and second tubular member construction (12, 14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the first and second tubular member construction as taught by Peterson in the device of Stephenson et al as it has several advantages. First, it eliminates the need to have a fastener screwed from both sides which is labor intensive and requires only one fastener. Second, it prevents the mount from being assembled improperly from misalignment. Third, the dimple spring mechanism prevents the mount from falling apart even if the fastener fails.

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3. Claims 8, 19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson, as modified, in view of Schmidt (U. S. Patent no. 3,390,709).

Stephenson, as modified, is relied upon as above in paragraph 5. Stephenson, as modified, does not disclose the isolator and isolation layers being made of wire mesh.

Schmidt teaches forming an isolator and isolation layers out of wire mesh. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use wire mesh as taught by Schmidt in the device of Stephenson as material selection is merely a design choice. Furthermore, wire mesh is desirable because it has a "stable spring rate and good load carrying ability in the axial direction" (Schmidt column 1 lines 25-27).

#### ***Response to Arguments***

4. Applicant's arguments filed 7/21/05 have been fully considered but they are not persuasive. Applicants argue that the mount of Peterson can not be tightened by just turning head 20 of the fastener. This is incorrect. The washer 51 is spot welded to the bottom element 14 and in combination with the hexagonal surfaces allow the fastener to be threaded by turning the head. Applicants argue on page 12 that the hexagonal surfaces do not properly align the elements of Peterson. Applicants state that the horizontal surfaces appear to align the elements after they already been properly aligned. The examiner does not understand how the applicant can consider something properly aligned when they admit it undergoes further alignment. Applicants further claim that Stephenson does not suffer from any misalignment inadequacies. The examiner disagrees. Both versions of Stephenson require threading a fastener in a hole

that cannot be seen and is significantly below the hole in the frame. The frame elements of Stephenson are not attached to the rubber elements 17 at all and therefore can shift relative to the threaded holes. Applicants further wonder how nested tubes prevent misalignment. Nested tubes must be placed one inside another and therefore only be off alignment by the difference in diameter of the tubes. In regards to failure of the mount and whether it would fall apart, applicant argues that Stephenson would not fall apart. The examiner disagrees. Stephenson does not have flanges like 22 and 36 of Peterson. There is nothing to prevent element 17 from separating from 18 in figure 2 or 16 from 17 in figure 3.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

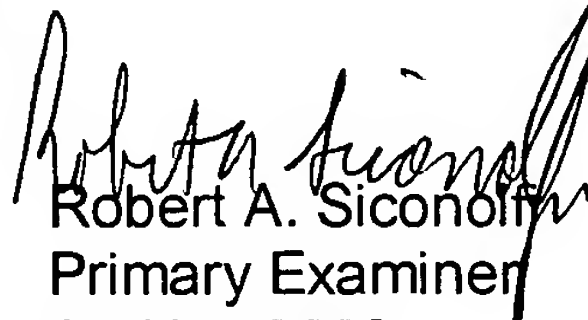
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 571-272-7124. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert A. Siconolfi  
Primary Examiner  
Art Unit 3683  
10/3/05

RS